

Jamaica Station  
Jamaica, NY 11435

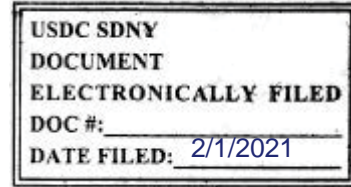
**Phillip Eng**  
President

**Paige Graves**  
Vice President, General Counsel & Secretary

718 558-8254 Tel  
718 558-8211 Fax



January 30, 2021



Judge Alison J. Nathan  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Smith, Monice vs. Long Island Rail Road Company  
Docket No.: 19-cv-9519

Dear Judge Nathan:

We received the draft of the joint Pre-Trial Order from plaintiff's office at 5:51 pm Wednesday, January 27, 2021. We contacted plaintiff's counsel on Thursday, January 28, 2021 to request his consent to seek a three-day extension within which to file the Joint Pre-Trial Order. Plaintiff's counsel would not consent. Notwithstanding plaintiff's refusal to consent, we move for said extension at this time for the reasons set forth below.

This matter involves a slip and fall allegedly resulting in seven surgeries. Plaintiff's portion of the Joint Pre-Trial Order lists eleven witnesses and there are potentially an additional four witnesses on defendant's case, with the possibility of having to recall some of plaintiff's witnesses. Additionally, a review of in excess of twelve-hundred pages of medical records has been ongoing since Thursday and I have been required to stay at home and thus out of the office since January 19, 2021 due to contact with two individuals who tested positive for COVID.

I anticipate being back in the office the latest by Tuesday, February 2, 2021. There remain documents to be reviewed that are not electronically stored and may be accessed only by hardcopy. Although our portion of the order may be completed by end of business on February 1, 2021, I am concerned some additional time may be necessary, thus the request for the three days.

*The agencies of the MTA*

MTA New York City Transit  
MTA Long Island Rail Road

MTA Metro-North Railroad  
MTA Bridges and Tunnels

MTA Capital Construction  
MTA Bus Company

January 30, 2021

*Smith, Monice v. Long Island Railroad Company*  
19-CV-9519 (AJN)

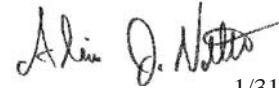
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Therefore, we respectfully request the time within which to file the Joint Pre-Trial Order be extended to end of business on February 4, 2021.

Thank you.

Yours etc.,  
Paige Graves, Esq.  
Vice-President, General Counsel & Secretary

**SO ORDERED.**



1/31/2021

By: *Thomas L. Chiofalo*  
Thomas L. Chiofalo, Esq.